

STATE OF WISCONSIN

JIM DOYLE
GOVERNOR

December 5, 2003

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 228 in its entirety. This bill creates two new programs in the Department of Natural Resources in an effort to provide incentives to public and private entities for voluntarily improving environmental performance. While I fully support giving reasonable incentives for environmentally innovative practices to businesses that have proven environmental compliance track records, this legislation goes too far and threatens Wisconsin's environment and the public.

The first portion of the bill creates the Environmental Results Program. This program appropriately provides state incentives for companies with a history of environmental compliance and a commitment to implement an environmental management system, a comprehensive structure enabling the company to evaluate environmental performance and to improve such performance at covered facilities. I have supported this concept and have called for this type of legislation in my "Grow Wisconsin" economic development plan. This concept was developed over several years of discussions with a broad range of stakeholders and legislators from both parties. Assembly Bill 700, introduced by Representative Mark Miller, accomplishes these objectives and I encourage the Legislature to quickly pass this proposal.

However, the second half of Assembly Bill 228 - creating the Environmental Improvement Program ("EIP") - provides similar benefits to participants who have not demonstrated historical or prospective commitment to obeying Wisconsin's environmental laws. Under this second half of the legislation, in return for conducting a nominal in-house environmental compliance audit, any company that has not been sued by the Wisconsin Department of Justice or been issued a citation for an environmental violation in the two years preceding the submission of the audit results receives a variety of preferential treatments.

These include civil forfeiture immunity for self-reported violations corrected within 90 days of submission of the audit and the ability of the company to set its own (or no) stipulated penalties for failure to meet deadlines to remedy violations that will take more than 90 days to fix. Furthermore, the two-year period covers only the facility subject to the EIP; thus, a company with recent or even ongoing enforcement actions at some of its facilities in the State would not be precluded from participating in an EIP at other locations. As a result, a company with a long history of poor - even criminal - environmental performance could reap the unearned benefits of participation in the program. Rewarding companies with a poor record of compliance and no commitment for the future jeopardizes the

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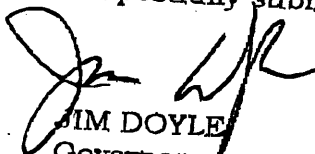
State's citizens and environment and will diminish the value of the Environmental Results Program.

Real and meaningful regulatory reform, without threatening our natural resources or restricting public input, is critical to Wisconsin's future. I strongly support reform efforts to assist companies with strong environmental histories who have made meaningful commitments for the future. I believe both the public and all Wisconsin businesses should receive timely and consistent review of permit applications. However, this legislation will not accomplish these objectives.

In sum, the overall benefits of this legislation to our citizens and economy are outweighed by the law's potential for rewarding companies that have not invested the needed effort in proactive environmental protection.

I remain committed to working with the Legislature to produce a bill that both supports Wisconsin's economic interests and protects our extraordinary environmental assets.

Respectfully submitted,


JIM DOYLE
Governor